



May 13, 1999

Ms. Judith A. Hunter  
Paralegal  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR98-1320

Dear Ms. Hunter:

You ask this office to reconsider our decision in Open Records Letter No. 99-1095 (1999). Your request for reconsideration was assigned ID# 125898.

Open Records Letter No. 99-1095, which concerned a request for certain arrest records, determined that the City of Georgetown (the "city") had waived section 552.108 of the Government Code by failing to timely submit its request for an open records decision. *See* Gov't Code §§ 552.301, .302. You now argue that the city's request for a decision was timely and that consequently section 552.108 applies to the requested records.

The Public Information Act requires "a governmental body that receives a written request for information that it wishes to withhold from public disclosure" to request a decision within ten business days of the date the request was received. *Id.* § 552.301(a). You informed us in your original request for a decision that "[o]n March 11, 1999 the City of Georgetown received" the request. The tenth business day after March 11, 1999, the date the city stated it received the request, is March 25, 1999. You now state in your request for reconsideration that

"[r]eceipt of the request was acknowledged by Georgetown Police Department Personnel on March 16, 1999. The City's request for an Attorney General's opinion was submitted on March 29, 1999, the tenth business day after the City received the request."

We cannot reconcile the discrepancy in the two statements you have made to this office. Consequently, we affirm Open Records Letter No. 99-1095.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay H. Hastings  
Deputy Chief  
Open Records Division

KHH/eaf

Ref.: ID# 125898

encl. Submitted documents

cc: Mr. Chris Perea  
2101 Lobelia Drive  
Cedar Park, Texas 78613  
(w/o enclosures)